Supreme Court, U.S.
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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

TERM. 2001

Bettye L. Coughlin (Petitioner)

Vs.

State of Alabama (Respondent)

PETITION FOR A WRIT OF HABAES CORPUS TO THE SUPREME COURT OF ALABAMA

Bettye L. Coughlin (Pro Se)
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BEST AVAILABLE COPY

QUESTIONS PRESENTED

1. Does a trial judge have the right to intentionally violate the law. In this case Jefferson County Ordinance 1188 set out that the first fine was $50 and no jail time was attached to the ordinance. Petitioner was fined $100 and made to illegally serve 30 days at Hard Labor. Futher, there was no provision for probation in the Act or ordinance. As the transcript clearly shows these acts were done "to punish Petitioner because she was stuborn". This is a violation of Amendment III, IV, V, VI, VIII, IX, X, XIII and XIV. Not only was her property invaded and wilfully destroyed, she was denied any appeal, and intentionally jailed in defiance of the law by Alabama.

2. Where entire proceeding was done to "teach Petitioner a lession" and no "health or safty" issues were involved the illegal jailing was "slavery" as defined in **Amendment** XIII, Section 1. "Neither slavery nor involuntary servitude, ...shall exist within the United States, ..." Petitioner was denied all "due process", this violated **Amendment XIV**, Section "...nor shall any State peprive any person of life, liberty, or property, without due process of law; nor denie to any person within its jurisdiction the equal protection of the laws." In this case the State of Alabama has allowed Jefferson County to illegally establish it's own county court (outside Alabama Constitutional Amendment 328, the Unified Court System) and illegally write it's own laws, but has allowed them to wilfully violate even their own provisions.

3. This entire "kangaroo court" was designed and geared to be both a "money maker" and land grabber. The trial judge denied me both the health dept. and the sheriff's dept.as witnesses and egnored the law in directing the jury as to issues and burden of proof. The whole law is designed to run up a bill you can't pay and then steal the land. What is an abandoned vehicle, "anything the judge says it is". What is a weed, "anything the judge says it is". What is litter, "anything the judge says it is". What is the fine, "anything the judge says it is". How long can you be imprisoned for, "as long as the judge says". **THERE IS NO DUE PROCESS IN ALABAMA.**

PARTIES TO PROCEEDINGS

Petitioner is Bettye L. Coughlin, Defendant in the proceedings and the Alabama Attorney General is Prosecutor/Appellee in this Certiorari and the Habeas Corpus that both the Alabama Court of Criminal Appeals and the Supreme Court of Alabama have refused to rule on "expeditiously". Petitioner considers herself to be, still constructively wrongfully imprisioned and in jail since the state still violates her private property and in effect "quartered a soldier in her home" as set out in **Amendment III.**

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OPINIONS BELOW

Petitioner Bettye L Coughlin was arrested without warrant on 09/12/98 she was never served with an actual charge and though she called the clerk and filed MOTION TO QUASH on 09/17/98, the District Judge Cahill caused to be issued, wrongfully, an Alias Warrant. Said wrongful warrant issued on 9/30/98. On 10/8/98 Cahill admitted the warrant issued wrongfully and it was recalled. Petitioner at all points has objected to both the facts and issues involved in this case and has repeatedly written that the law as applied in Jefferson County is "void because it is vague".

At trial in District court Petitioner was convicted of "her grass was not as pretty as her neighbors". At this trial Petitioner's witnesses were suppressed. Futher, she was convicted on the Payne and Wright, Weed and Litter Law, Act No. 87-759. She was convicted od, her grass was not as pretty as her neighbor's grass", buetification".

Petitioner appealed "de novo" to the circuit court with jury. Petitioner was reindicted under Jefferson County Weed and Litter Ordinance 1188. The judge ignored the law and "railroaded a conviction". Petitioner appealed and the Attorney General directed the Appeals court to ignore my appeal which the did. I then sought a Crrtiorari to the Alabama Supreme Court which they "struck".On 06/02/00 I was illegally jailed for 30 days of Hard Labor. I sought a writ of habeas corpus to both the ASC and ACCA. Neither court has ruled expeditiously and for all intents and purposes I am still falsely imprisoned. A copy of the Habeas Corpus and **ORDER** of the Alabama Supreme Court is included in the Appendix, 1a- 2a.

JURISDICTION

Petitioner invokes her right as a citizen and property owner to the equal protection and pue process that all citizens are intitled to under both the Constitution and U.S. Code.

trial once again Petitioner filed another MOTION TO DISMISS. The Trial judge denied the motion but once again it put him on notice. At trial Petitioner was reindicted and a new complaint served. The main Parts of this COMPLAINT are set out below;

That Bettye L. Coughlin did fail to keep her premises free from injurious, noxious, or unsightly weeds; and/or keep more than one inoperable vehicle; and/or fail to keep her premises clean and free from litter in violation of County Ordinance No. 1188. No copy of the Ordinance was provided and Petitioner objected.

On the second day of trial, before court, two county employees Mr. Powell and an unnamed county agent, illegally entered on to our POSTED property and did assault Bettye Coughlin before trial. Such assault was intentional and done at the direction of the County Attorney. At trial it was proven that the only "injurious, noxious or unsightly weeds were the dead trees and Kudzu being grown by both my adjacent neighbors. There was a lack of grass in my front yard. My vehicles were properly tagged and registered and there was no litter.

The Trial judge brought up side issues, such as the signs (free speech) and inflamed the jury, he on more than one occasion told the jury that they had to teach Mrs. Coughlin a lesson," They had to get her".

Petitioner quotes from the Judge's CASE ACTION SUMMARY of 8/19/00;

.....It is the Judgment and the sentence of the Court that the defendant is sentenced to pay a fine of $100.00 and court cost to be paid on or before Nov. 5.1999. The defendant is sentenced to 30 days hard labor for Jefferson County, Alabama. The sentence is suspended and the defendant is

placed on probation for a period of 24 months. As a condition of probation the defendant is required to clean up and removeall junk, litter and debris from her yard and be in compliance with the statue by Oct. 15,1999.

...The defendant is ordered to remove the sign which contains the vulgar language referring Tersa McDonald from her yard as a condition of probation.

Defendant gives oral notice of appeal and bond appeal bond set at $2,500.00.

Petitioner objected, but the trial judge was throwing another fit and Petitioner was forced to give oral notice of appeal that day.

Upon receiving the transcript Petitioner filed to "clean" it. Statements had been removed and the order changed. Petitioner filed motion and a hearing was had, but nothing was changed because I was the only one with a transcript. [At this point Petitioner wants to insert that Petitioner and her son had civilly (the only option open to us) sued the County, its agents and the two adjacent property owners and asked for protection. This was done on 8/31/98 and was intitled COMPLAINT AGAINST GOVERNMENTAL AGENTS AND ADJACENT PROPERTY OWNERS FOR INTENTIONAL HARASSMENT, INTIMIDATION, AND COERCION AGAINST PLAINTIFFS PEACE AND ENJOYMENT OF PROPERTY AND INTENTIONALLY INCITING THE NEIGHBORS TO RIOT AND DO BODILY HARM, CV 98-5243. In this complaint we show that the "problem" has existed since we bought the house and the county is the motivator of all this problem. McDonald's septic tank existed before Mann Dr. was put in. Now McDonald's septic tank is (contrary to all regulations) is setting over OUR MAIN (8") waterline. We have tried to get the health dept. to do something for years, it just didn't start.] On 11/4/ 99 Poly Conradi (Circuit Clerk) notified us to pickup the

Supplemental Record. We also had an appointment before Judge Rogers in the civil proceeding on the 5th so we went in early on the 5th. When I walked through the metal detector, which is directly infront of the jury room, a civil divisiondeputy placed me under arrest. He twisted my arm behind my back and placed me in jail WITHOUT WARRANT or NOTICE. This "court personnel", stated to us that, "I guess you'll miss your appointment with Roger's, ha! HA! After I got out we went up to the Clerks office and she did not have the transcript and INFACT WE HAVE NEVER GOTTEN THE TRANSCRIPT from this case CC 98-6395.

On 11/5/00 I was arrested without warrant and charged with Disorderly Conduct and bond (excessive) was sat at $750.00. On the 6th I received a letter from the Sheriff, warrant # 315054 (Part of the Habeas Corpus I filed with both the Alabama Supreme Court and court of criminal appeals, both were denied) In the letter he states that he has the warrant and asks me to turn myself in. As this Court is well aware THIS WAS A FALSE ARREST ON IT'S FACE. (see arrest for misdemeanor, ***Ex parte Edwards, 452 So.2d 503***) Latter we found out that I was arrested for; (1) telling Jones's (neighbor) dog to shut up at 10pm, (2) calling her illegitimate child an illegitimate child, and (3) her a nazi. The Court will understand that we were suing her for the dog barking and "disturbing or peace". Once again, we called everyday and even sent a certified letter, green card return requested, to the clerk. But once again on 12/3/99 Polly Conradi had issued another Alias Warrant for Failure to Appear. This time I was placed in jail from Friday till the afternoon of Monday. While I was there I was tortured, I was unclothed and froze to death, and otherwise abused. I contracted Flue and was under a doctors care for several months And Once again District Judge Cahill admitted it issued wrongfully and I didn't have NOTICE. Futher, when trial was had in DC 99-12081 Cahill had to admit that "a warrant should never have issued". There was no charge and Deputy Latta took the report with the dog

barking it's head off after 11pm AGAIN. What Petitioner is showing is a pattern of judicial misconduct by the courthouse crowd. I will repeat there are weeds and litter but it is my neighbors that are doing it.

Jefferson County contends that they are not bound by the provisions of thePayne and Wright Act, Weed and Litter Law, Act No. 87-759. They contend that it is "enableing legislation" and they can write their own. The Jefferson County commission passed Ordinance 1188 which reads as follows;

1.30 Violations.

A. Weeds. It shall be unlawful for any owner, proprietor, tenant or other person in charge or control of any lot, place or premises that lies within the unincorporated area of Jefferson County when such lot, place or premises are not under cultivation for useful and productive purposes, to fail to keep and maintain the same free of injurious, noxious and unsightly weeds. Weeds higher than 12' are hereby deemed to be unsightly As used herein "weeds" shall include an economically useless plant; a plant of unsightly appearance; a tree or shrub of low economic value that tends to grow freely. A form of vegetable life of exuberant growth and injurious effect.

B. Inoperable Motor Vehicle. It shall be unlawful for any person to park, leave or store upon any place or premises that lies within the unincorporated area of Jefferson County and more than one inoperable motor vehicle.....[is the same as the act except they removed the words; currently and validly registered and tagged as required by Code of Alabama 1975 .]

1.40 Penalties.

B. At any time until the close of business on the last business day before the day set for trial, the defendant may elect to enter a guilty plea to the offense and waive his right to trial before the Jefferson County District Court and pay a fine to the County in accordance with the following schedule:

1) First offence----$50.00
2) Second offence---$75.00
3) Third offence----$100.00
4) Fourth offense--- $150.00

Payment of fines shall be made to the Jefferson County Land Development Office and shall be paid in cash, or by certified check, cashiers check or money order payable to the Jefferson County Treasurer. The Treasurer shall deposit all such fines to the General Fund of Jefferson County. The Treasurer shall keep a separate account of all fines paid to the County in accordance with the above schedule of paid to the Treasurer by the District Court.

Petitioner has objected at every stage of this proceeding, in writing. What has been done is clearly illegal and unconstitutional. All these incidents result from Jefferson County's mismanagement of funds and their attempts to establish Home Rule.

ARGUMENTS

I. Arrest without warrant. The law of Alabama has always been that in an arrest for a misdemeanor there has to be an actual warrant or the crime must be committed in the officers presence. The warrant has to state exactly what you are charged with. In this case the words are vague and give no actual warning. Petitioner has been arrested three times on trumped up charges This is one, I was arrested for playing a radio, and my son was kidnapped for allowing me to play the radio (9w), and the one that was dismissed and is admitted IT SHOULD NEVER HAVE HAPPENED. In this case I was arrested without warrant. ***Ex Parte Edwards 452 So.2d 503***.

II. Notice. Petitioner was arrested without warrant, when she and her bailiff asked for a charge and/or trial date, we

were given a mimeographed piece of paper that had the following on it.

A- District Court, second or Third Floor, Jefferson County Criminal Justice Center

1. Call 325-5309 for date, time, and room.
2. You May NOT receive a notice.
3. Give your name and charge when you call.
4. It is your responsibility to be there on time.

Petitioner notifies this COURT that you are NEVER notified and it is SOP to for the clerks to play games. They notify you to be there the day after your trial and when you show up the arrest you, doesn't the Court find this funny, we the defendants do.

Amendments IV, V, and VI of the Constitution states that we shall be safe and secure from these types of abuses. There was no actual charge, no actual warrant, no actual charge, no time of trial and we were intentionally denied "reasonable notice" and an alias warrant did issue. This is SOP in Alabama.

III. The federal constitution is the basic granted to it's citizens, but the federal government is also responsible for enforcing those rights granted by the states to their citizens. When the legislature passed Act No. 87-758 they included the words "which is not currently and validly registered and tagged as required by the Code of Alabama 1975.". The term used at trial was "abandoned vehicle". All of our vehicles are registered and display a current tag with sticker, futher, they are whole and violate no ordinance. The law has been rewritten to allow the county to tow any car. Under this ordinance, if you parked your car in your driveway and were gone more than 30 days the county could steal and sell it as an "abandoned or inoperative vehicle". Limbaugh testified that it didn't start when he looked at it.

IV. Weeds definition not the same as Act. It is the neighbors who have the KUDZU and dead trees. Petitioner has fruit trees planted they are "mulched" as any gardener will testify, but in order to comply Petitioner has systematically sprayed with RoundUp a herbicide. We have been forced to use this spray to kill the Kudzu our neighbors are allowed to raise. There are no weeds over 12" on our property. But ourrear yard, which is fenced, Posted and **unviewable from the public right-of-way** is under cultivation. We grow squash, corn, tomatoes, beans, and martin gourds, to name a few vegetables. We also have fruit trees, blueberry bushes and figs. That is what is left after our neighbors Kudzu got through. We grow rye grass in the fall and it dies in the summer, just good gardening practices.

Petitioner was criticized for killing the grass on her front lawn and in her driveways. There is not a law that says I have to grow grass and that was the argument Judge Nail made at trial. As to the flowers , azaleas, and fruit trees, they are as pretty as any ornamental tree and give us fruit. This has been the first year that the county has not sprayed my entire front yard with RoundUp. This could be because I've also put up a 5' wooden fence to protect them and sued, Jefferson County Circuit Court # CV 98-5243. As to the way I trim or don't, that is a matter of personal choice. What is pleasing to one is not to another, but there can be no subjective standard applied. My neighbors have cut down every "foundation" plant, to us their yards are "underutilized". If we don't start planting some trees and green the cities will become unlivable.

Futher, this is the county not the city, B'ham, Fairfield and other cities try to maintain a 6" height, as you will notice this ordinance is twice that.

V. The right to call witnesses, Amendment VI. In both trials Petitioner called Kelso and Earwood of the Jefferson

County Health Dept. At both trials she was denied their testimony. It was admitted at all three trials that, there were no health violations. This was in violation of the Act. The Act was written to be enforced by the; "The Jefferson County Sheriff's Dept. and the Jefferson County Health Dept. shall provide assistance as requested." In this case the county agents impersonated law enforcement officers, they were neither deputies or health dept. and are not trained to carry a gun or badge.

VI. Equal Protection. This is a case of "changing neighborhood". These neighbor have been trying to sell since they moved in. The McDonald house is a 4 room shack, with an abandoned root cellar under the house, an 80' abandoned well in the back that she uses as a cesspool, and a septic tank in the front over the communities water line.

80% of my community has poor grass, 10% has no grass, and 10% has an actual jungle. There at least 3 lots that have never been cut at all, and there are several that are overrun with Kudzu. These lots that are completely covered are what the law was intended for. I should have been allowed to produce evidence that the yard in front of me is the "exception" not the rule. The only time the neighbors cut their grass is when Rev. Moore lets them know he is coming.

VII. Jefferson County does not have Home Rule. She is bound by Alabama Constitutional Amendment 328, the Unified Court System. Several years ago Jefferson County Commissioner Tom Gloor and County Attorney Andy Strickland tried to create a county court and their own police force. In Coughlin , v. St., FOPO (failure to obey a police officer) he lost his agents ("duly deputized deputies by the sheriff of this county., responsible only to Tom Gloor County Commissioner") It was reversed and no commissioners court was established.

This ordinance is a flagrante try to reestablish home rule and "teach Mrs. Coughlin a lesson". As the Court will see, in the Statement of Facts, Jefferson County has rewritten the Act and established Home Rule. From Jefferson County Ordinance No. 1188;

1.40 Penalties.

A. .....Upon the determination of the Land and Zoning Administrator of Jefferson County or his subordinate.....

This establishes a police force, with guns and badges.

.....The citation shall identify the violation and shall notify the defendant to appear in the Jefferson County District Court at the time and place stated in the citation to answer the charge.....

This establishes a commissioners court where District Judge Cahill recognized Rev. Moore and Limbaugh as "officers of his court". But, you will notice that we were not given an actual charge only a vague charge, not what litter, which weed, which vehicle, ect. And you will futher note that not only were we not notified, we were rearrested and an alias warrant was issued that District Judge Cahill admitted issued wrongfully.

..... 1) first offense - $50.00

As this Court is aware Nail charged $100.00.

Payment of fines shall be made to the Jefferson County Land Development Office and shall be paid in cash, or by certified check, cashiers check or money order payable to the Jefferson County Treasurer. ....

As the Court will note this money goes directly into the pocket of the County Commissioner.

As the Court will note this is contrary to Alabama Constitutional Amendment 328, the Unified Court System, and it's intent. Under the "police powers doctrine" who can

and cannot exercised police powers is established. In this case it is clearly illegal. (1) Zoning inspectors cannot leave the road, (2) They cannot carry guns, (3) cannot impersonate deputies or health dept. personnel, (4) flash a badge. Zoning inspectors are not covered.

As we have already pointed out District Judge Cahill could not "lend" himself to a "commissioner's court". It is and was illegal and unconstitutional.

We received no notice which was clearly a violation of the "due process" clause of the Constitution. In other words they didn't even obey the law as they wrote it.

You will note that I was fined $100.00, this is illegal and was done to be punitive. All that they could legally charge was $50 on the first and $75 on the second conviction. Futher, you will note that there is no provision, in their Ordinance, for the 30 days hard labor. This was done by an "out of control county judge", to punish me.

And the Kicker is that all the money collected goes into the County Commissioner's pocket.

This is another flagrante attempt by the County Commission to establish home rule and raise money. It is clearly illegal and unconstitutional.

VIII. By bringing in the signs the Trial Judge violated my right to free speech and denied me a fair and speedy trial. As part of Nail's Order he wrote; "the defendant is ordered to remove the sign which contains the vulgar language refering to Teresa McDonald from her yard as a condition of probation." By making a judgment of that nature he biased the jury and denied Petitioner a Fair and Speedy Trial.

As to free speech and the right to petition the Government for redress of grievances, the I Amendment. Petitioner would like to point out that the wording "may have been intentionally crude" but it was not vulgar as defined by this or any other court, now. I tried to explain to the rest of our

community what a septic tank was, and what was flowing into our water everytime McDonald broke her water line. Let me refresh the Courts memory that with us suing Jones/Williams (CV 98-5243) for their nuisance dog barking all night. They (Nail, Rogers and Thorn) thrummed up the arrest with Deputy Latta, for; (1) telling the dog to shutup at 11pm at night, (2) calling her a nazi, and (3) calling her illegitimate child an illegitimate child. "In order to communicate with people in Alabama you are reduced to their level of education". As the Court is well aware neither me nor my son, if we had of said anything, would have called her "bastard" anything other than a "bastard". That is still the definition as stated in Blacks Law Dictionary. When this started we felt sorry that Jones/Williams were not married, and were sorrier still when all 3 of their girls had children-out-of-wedlock. In order to get our point across we were forced to use words that these people would understand. Words like excrement, defecation, and human waste did not get the point across to these people, but, everyone knows what "shit" is. Her septic tank is above our main (8") water line and her water line stayed broken, and when we loose pressure (damaged water lines are common) it is sucked into the 8' main.

Though Nail made an issue of the sign he refused me the right to produce evidence (photos) showing where McDonald had her septic tank dug up, exposed her field lines and broke the water line.

VIII. The right to own private property. This is a right conferred by Amendments III and IV of the Constitution. On the second day before trial at approx.. 8am, a Mr. Powell and his female assistant did physically trespass on Petitioners fenced and Posted private property without warrant and did assault Petitioner when she barred their entrance. As Petitioner has set out the county wanted a "test case" to prove that they can trespass on anybody's property at any time.

Amendment III says: "No Solder shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law." In this case the county in effect has quartered a county employee on my property permanently. I the property owner have no rights and they can physically assault me if I bar their egress. Infact, I no longer own my property. We are arrested without warrant and virtually kidnapped off the street, because I played a 9 watt radio in my home, and my son because he allowed me to play a radio in my home, and latter I was arrested for telling the dog to shutup after 11pm (it is dismissed and the others will be). We are virtually prisoners in our own home.

Amendment IV. says, "The right of the people to be secure in there persons, houses, papers, and effects, against unreasonable searches and seizures, shall not violated, and no Warrants shall issue.....". In this case there was no warrant and the county wants the uncontrolled right to search everywhere and everything on my property. This by definition is "unreasonable search". The county is trying to say not only how many flower pots I can have, but what color and where I can place them. They are trying to say I can't plant snap dragons or Mammoth Sunflowers because the grow over 12" tall, I can't park a car without there permission, and they can require an on-the-spot-inspection of any vehicle. These powers that the trial judge has granted them are unconstitutional on their face.

IX. Inoperative motor vehicle as defined by the County Ordinance is unconstitutional on its face. All of our vehicles (also boats) are properly licensed and display current tags and decals. According to the Act that is all that is necessary. Alabama dose not have a mandatory vehicle inspection law, and neither Rev. Moore or Limbaugh would be qualified to do the inspection, if we had one. Futher, as we have already stated, Kelso (health dept.) testified that there

were no health violations on our property. We do own several "antique vehicles" which are tagged with special antique tags and which are maintained, they can only be driven a fixed number of times and they are maintained. All of our vehicles are whole and not "abandoned vehicles".

Several years ago a friend was at our home when he suffered a mild heart attack. His truck, brand new, was parked in our driveway. I took his keys, at his request, and moved it to my back yard and locked it and returned his keys. According to this law, as defined by Judge Nail, this is a "inoperable vehicle", after all I don't have the keys and I can't start it. If Rev. Moore came onto my property and demanded that I start it, I could not. The county is NOW pulling these cars in (at the property owners expense) and selling them at auction. They are conveying title using "their sovern immunity" and in effect operating a "hot car ring", futher, there are certain properties in this neighborhood that Rev. Moore is using to store certain of the "mussel cars" that they have collected. In-other-words they are reselling or wrongfully converting the cars they are stealing.

This law as applied is unconstitutional on its face. Futher, the Court will note that the complaint does not specify which vehicle is inoperable. The Toyota is used every day (it is included), the F100 Ford is use every 3 to 4 months to take off the paper and other Junk that has accumulated, and once a year we take the metal pile that has collected to the "shredder", where they recycle it. At trial I introduced the receipts from the county landfill (they write down the tag number on the receipt) and the "shredder" there receipt does the same. Therefore, the complaint is defective on it face, unless the county is demanding that we get rid of ALL our vehicles, which is the way we interpret the Order. The Order reads as follows; " that Bettye Coughlin did fail to keep her premises free of injurious, noxious, or unsightly weeds; and/or keep more than one inoperable vehicle. ..." once again

it is defective because it does say which motor vehicle and why it is defective.

If you don't intend to use a vehicle for a while all car manufactures recommend that you drain the gas, pore in some STP or Teflon, and remove the battery. That is because of ***electrolysis,*** as defined in the dictionary is, "the decomposition of a chemical compound by an electric current". Not only will the battery corrode, eventually it will destroy the frame and electrical wiring. Futher, not only is it just plain bad for the car, batteries only have a limited "shelf life", therefore we do not keep a battery in the vehicle when we are not using it. At this time the battery in the truck is disconnected until futher use, and to discourage theft.

X. I am now being held unconstitutionally in the Jefferson County Jail for 30 days at hard labor. As this Court will note Jefferson County Ordinance 1188,1.40 Penalties. B. states the first offense is $50.00, I was fined $100 dollars, and there is NO MENTION OF HARD TIME. I am being illegally and unconstitutionally held against my will. And I remind this Court that a person cannot consent to be arrested or imprisoned against their will, as in this case.

XI. Petitioner was denied any right to a meaningful appeal. Petitioner at every step in the proceedings has and continues to object. This is noted in her filings, even in the first court, which were never answered. We object but the train keeps on rolling. This law as it is being enforced is more far reaching that Birmingham's or Fairfields. Birmingham has been forced to recognize that they cannot remove "admittedly abandoned" (cars with no wheels and no windows) from fenced property. Jefferson County wants a Test Case but refuses me a hearing on the issues. Infact I have been denied a meaningful appeal on all counts.

XII. Every citizen shall have the right to petition the government for redress of grievances, Amandment I. Jefferson County Ordinance 1188 has no provisions for either jail, hard labor, or probation. In this case both the Alabama Supreme and court of appeal were aware that Tommy Nail was out-of-control and allowed him to illegally jail me on 6/02/00. Not only was I over charged $100 instead of $50 I was inslaved as defined by **Amandment XIII**. I have been intentionally denied an expeditious appeal from "enslavement".

XIII. Every citizen is intitled to a "fair and speedy trial" and the tools nessary to insure that justice is done. In this case I was denied my witnesses and any defence. When I tried to "clean" the record I was falsely arrested again (***Ex parte Edwards, 452 So.2d 503***)

On 6/02/00 Circuit Judge Tommy Nail intentionally and wrongfully imprisoned me withour due process and both upper courts knew it.

When I requested the forms and/or tools to file my habaes corpus I was even denied paper and pen. I was intitled to those tools (law libabry, ect) nessary to compleat my appeals. In this case I was intentionally denied those nessary tools.

CONCLUSION

This, by the County's on admission, was a test case, but they got more that they wanted. First they changed the wording and intent of the Act itself, both as to vehicles, litter, and weeds. Then they changed who enforced it to zoning, then they created their own court and made Rev. Moore and company "officers of the court". This is evident, by the fact, that all moneys collected are in fact paid to the Zoning Department. All this is illegal on it's face.

Petitioner owns property in an unincorporated county. Her property is fully fenced and posted and her backyard because

of its contours is not observable. Petitioner and her son are gardeners and recyclers and believe in a green earth policy. Petitioner planted flowers and fruit trees and cultivates her backyard to grow vegetables. On the other hand Jones/Williams had a puppy farm and grew Kudzu that literally attacked Petitioners property. McDonald also grew Kudzu and her septic tank (against the law) is over the communities water line. This is a matter of provable fact but Nail refused to allow us to introduce this evidence and that was clear error.

There are no "abandoned" vehicles, there is no law that says I have to grow grass, and the height of my flowers or vegetables is none of the counties business. Corn can grog 8' tall and a mature blueberry bush can be tree size. We mulch (recommended gardening practice) to conserve water, in case this Court is not aware Alabama, once again, is under a drought alert. We repeat this was a test case. We were not told what weeds, what car, or what litter. To give the court a futher example of the unreasonableness of the county they claim that my "Troy-Built Tiller" has to go because I'm not using it, right now.

This is a TEST CASE for the ownership of private property and freedom of speech and expression. When my apple trees bloom they are as pretty as any I have seen, plus I actually get apples. The true issue in this case has been the fence and the "NO TRESPASS" signs. The county wants the right to invade my property at any time day or night. As we have already stated, a Mr. Powell and his female assistant invaded our property, before trial (8am) on the second day of trial. They had no warrant and physically assaulted me to get onto my property. And let me remind the Court that I had invited the Kelso, the county health dept. onto my property and there were no health violations. This is an unconstitutional violation of Amendment III and amounts to having a Soldier stationed in my home.

The judge inflamed the jury with the false allegations, as with the sign there is an issue, McDonald could sue if it is a lie, and infact we have sued for the wrongful acts of our neighbors. There is proof and the judge suppressed it, this was clear error.

Petitioner brings to the Courts attention that she is now in jail doing the 30 days at hard labor. You will note that the judge could not sentence her to hard labor under Ordinance 1188 as Jefferson County rewrote the Act. No. 87-758 H. 298- Reps. Payne and Wright says the; (1) First offense $50.00. and doesn't say anything about 30 days hard labor. This was done to punish Petitioner and was contrary to the law as written and is unconstitutional. Futher as the Court will once again note I was arrested without warrant, not notified of the charge or given a trial date and rearrested on an "unlawful" alias warrant that District Judge Cahill had to admit issued wrongfully. This is standard practice in Jefferson County.

After the number of unlawful acts done to Petitioner and her son our only way to express our grievance is through signs, Petitioner points out that these signs are "recycled" plastic signs that were littering the highway after last election. They are displayed on private property, and have been tended in a regular and reasonable manner. They are protected by "free speech" a fact he had to admit, but he still ordered us to remove the one about McDonald's septic tank. As in most WARS and TEST CASES both sides have escalated. But the difference is, we have remained within the law and the County and it's "machine" have used "brute force", this is predictable in Alabama. If this Court will pull West Law and look at the past cases they will find a clear "pattern". FOPO (failure to obey a police officer) reversed, 442 So2nd 104 (three blank pages because West doesn't print lies), 701 So2d 830 (where we were denied a court reporter and jury and falsely arrested and imprisoned), now DC 99-12081(where our neighbor, who we were suing for the barking dog

disturbing our peace, had us arrested for telling the dog to shutup at 11pm at night) which District Judge Cahill dismissed, after he had issued another wrongful alias warrant and wrongfully imprisoned me for 4 days and as a result I was tortured and contracted Flue and admitted neither warrant should have issued. And last but not least, lets not forget CC 00-0447 and 0448 on appeal from my conviction for "Disorderly Conduct", playing my radio in my home and my son's conviction for "Disorderly Conduct" for allowing me to play my 9 watt radio in my home (we were virtually kidnapped off the street, once again, without warrant). We expect (if we don't get Nail) to have them reversed.

This is clearly an "abuse of power" case. We have got the citizenry worked up and we're going to clean up Jefferson County. Another factor is Jefferson County is broke. Together, this makes for an intolerable situation. The situation as expressed on Alabama Public Television was that, "better 100 innocent men should die the electric chair that one guilty man escape justice". I do not consider that justice but it is the prevailing attitude. Juries are told that they have to make these people examples. Most of these "so called drug houses" have been properties that the city or county wanted but didn't have the money to pay for. I have lived in Alabama a long time (70 years old) and I have yet to see a gang or a gang shoot-out as portrayed on TV. When the dope is traced back (just like Dade Co.) it is the cops that have done it. But because of the "perception" of crime we are loosing all of our civil rights, we are actually afraid to carry a "boy scout pocket knife", because several people have been killed and that was the only weapon they had.

Petitioner keeps her property within the law, there are no weeds, that we don't systematically kill, it is Private Property, and there is no litter or abandoned vehicles. There is no law that I know of that says I have to grow grass, and if there was one, McDonald (the 4 room shack next door) would surely go to jail. In actuality I was convicted for "beautification" not

"weed and litter". This Court is well aware that standard cannot be enforced in this situation, as we have pointed out this is a "changing" community and they have all been trying to sell and run, we have just refused to run, too.

Petitioner points out that they wanted a test case. The barr is closed to us and we are forced to represent ourselves, if you want a defense in Alabama you are forced to represent yourself. There are many issues that Petitioner would like to make, but is unable to define properly. These are just the major constitutional issues that I have framed for the Court. Alabama's "unified court system" is totally out of control and representation is denied it's citizens as a matter of "expedience". Before this started Petitioner had (in her opinion) one of the prettiest yards in the neighborhood and one of the few with grass, but we do not think that things will ever be the same again. To many wrongful acts have been committed by the county and its agents.

For these reasons Petitioner asks the court to reverse the conviction, have her removed from the Jefferson County Jail, where she is being wrongfully held, and the Ordinance, as it is now being enforced, to struck as unconstitutional.

Dated _____2000.

Bettye L. Coughlin (Pro Se)

C.S.: Alabama Attorney General
11 S. Union St.
Montgomery, AL 36130

THE ALABAMA SUPREME COURT and THE ALABAMA COURT OF CRIMINAL APPEALS

Ex parte: Bettye L. Coughlin

1990983

Re: Coughlin vs. St. (Jefferson Cir. Ct. No.: CC 98-6395 -- Low'r App. Ct. No.: CR 98-2286)

PETITION for WRIT OF HABEAS CORPUS

Petitioner request that the Petition be granted on the following grounds;

Petitioner owns private property in Jefferson County an unincorporated county in Alabama, without home rule and under Alabama Constitutional Amendment 328, the unified court system. Petitioner was convicted under Act No 87-758--H. 298 or Payne & Wright Act.

Jefferson County changed the Act and adopted Jefferson County Ordinance 1188. Jefferson County removed key provisions on the act and made there version "unconstitutional-on-its-face. These provisions are (1) Tagged vehicles, (2) size, (3) definitions, (4) who enforces it, and (5) who gets the money.

Petitioner was not convicted under "weed and litter", but was infact convicted for "beautification". Her yard was not as pretty as her neighbors. At trial it was once again introduced and proven that Petitioners property is not only fenced, it is "Posted" with NO TRESPASS signs at all four sides. Not only has it been under fence for over 30 years, the County has admitted that it

"has no valid easements" and have infact criminally trespassed and intentionally destroyed Petitioner's personal property and damaged her real property. This is of record. This was and has been a "beautification" issue which as this Court is well aware, is unconstitutional and unenforceable because of the "vagueness".

Once again Petitioner points out that Jefferson County Ordinance 1188 does not contain "any" jail time. To jail me because I will not give them permission to trespass, when they have been not only trespassing but assaulting me, is ludicrous in the extreme. Futher Petitioner has filed the nessary paperwork to prefect her "Writ of Certiorari to the Supreme Court of the United States". The Writ is, at this time typed and formatted, and only requires printing which you are aware takes a few days. For these and other reasons, which you are well aware of Petitioner feels that the writ should issue and this Court should reexamine it's prior decisions. After all we are now talking the intentional denial of our basic freedoms and liberty.

FUTHER, though I have requested access to the Jefferson County Law Library and or the nessary tools (pen, paper and books) my jailers have refused me any "reasonable" access to these necessities. They have inface denied me any "representation" both through the barr, which has been closed to us, or the nessary tools to do our appeal as the law, even in Alabama, allows.

FOR THESE REASONS the Writ should issue.

Bettye L. Coughlin (Pro Se)

Harry J. Coughlin, Jr.,LLB (Bailiff)

cc: Alabama Attorney General
Circuit Judge Tommy Nail

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IN THE SUPREME COURT OF ALABAMA
SEPTEMBER 29, 2000

1992196
Ex parte Bettye L. Coughlin. PETITIO FOR WRIT OF HABEAS CORPUS (In re: Bettye L. Coughlin v. State of Alabama) Jefferson Cir.Ct.No.: CC-98-6395)
(Low'r.App.Ct.No.: Cr-98-2286)

ORDER

The Petitioner having presented to the Court the petition for writ of habeas corpus, and the same having been duly examined by the Court, IT IS ORDERED that the petition for writ of habeas corpus is denied.

signed/dated 9/29/00